

SUPREME COURT OF NEVADA

In Re: Fred W. Kennedy
Bar No.: 2269
Docket No.: 67305
Filed: February 19, 2016

ORDER OF SUSPENSION

Attorney suspended for six months (stayed, with conditions), and publicly reprimanded following multiple violations relating to three separate cases due to a lack of diligence, failure to communicate with clients and failure to respond to inquiry from the state bar.

A Southern Nevada Disciplinary Board hearing panel found that attorney Fred Kennedy violated RPC 1.1 (competence), RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees) and RPC 8.1(b) (bar admission and disciplinary matters) in relation to three separate counts.

The panel found that Kennedy failed to perform his duties in a diligent manner in two of the counts, failing to return calls or communicate with clients who faced the possibility of losing their homes. Kennedy failed to return fees in spite of receiving refund requests. He also failed to respond to the bar's written requests for information pertaining to the third grievance. According to the panel, there were several aggravating factors, including dishonest or selfish motive, a pattern of misconduct, vulnerability of victims, multiple offenses, indifference to restitution and substantial experience in practice of law.

It was the panel's recommendation that Kennedy receive a public reprimand and be suspended for six months, with the suspension stayed, conditional upon his completing three hours of continuing legal education related to practice management and his ability to avoid similar complaints for the next five years.

The court approved the recommended discipline, and ordered Kennedy to pay restitution to two of the clients and to cover the costs of the disciplinary proceeding.

Justice Parraguirre did not participate in this decision.

In Re: Brian R. Bloomfield
Bar No.: 8349
Docket No.: 68687
Filed: March 25, 2016

ORDER OF DISBARMENT

Attorney disbarred after pleading guilty to two felonies and two gross misdemeanors related to the submission of false and forged documents on behalf of clients, and falsely informing the court that certain clients had completed counseling or community service when he knew they had not done so.

A Southern Nevada Disciplinary Board hearing panel recommended attorney Brian Bloomfield be suspended from the practice of law for five years due to violations of RPC 1.1 (competence), RPC 1.15(a) (safekeeping property), RPC 3.1 (meritorious claims and contentions), RPC 3.3(a) (candor towards tribunal), RPC 3.4 (fairness to opposing party and counsel), RPC 4.1 (truthfulness in statements to others), RPC 5.3 (responsibilities regarding non-lawyer assistants), RPC 8.4(a) (violation or attempt to violate the RPC), RPC 8.4(b) (criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness), RPC 8.4(c) (conduct involving dishonesty) and RPC 8.4(d) (conduct prejudicial to the administration of justice).

Bloomfield pled guilty to two felonies and two gross misdemeanors after submitting false and forged documents on behalf of his clients, and misrepresenting to the court that clients had completed counseling or community service when he knew they had not. The panel recommended that Bloomfield face a five-year suspension, pay the costs of his disciplinary hearing, complete eight ethics hours of

continuing legal education for each year of his suspension, refrain from the commission of other criminal offenses and successfully complete the Multistate Professional Responsibility Exam before applying for reinstatement. If reinstated, Bloomfield would be required to have a Bar Counsel-approved mentor for the first 18 months following his return to practice. In recommending suspension over disbarment, the panel cited mitigating factors, including lack of discipline history, personal and emotional problems, cooperation, positive character witnesses and remorse.

After reviewing the case, the Supreme Court was convinced that the seriousness of Bloomfield's violations and their adverse effects on the legal process, along with aggravating factors including dishonest and selfish motives and multiple offenses, warranted disbarment rather than suspension. Such disbarment is irrevocable.

In Re: Jason C. Farrington
Bar No.: 8063
Docket No.: 69705
Filed: March 25, 2016

Order Imposing Reciprocal Discipline

Attorney reprimanded and placed on a two-year probation, retroactive to July 13, 2015, following multiple violations of the Arizona Ethics Rules (substantially similar to the Nevada Rules of Professional Conduct).

Attorney Jason Farrington was disciplined by the Arizona Supreme Court on July 13, 2015. He was reprimanded and placed on probation for two years with conditions. Farrington failed to report the Arizona bar sanctions to the Nevada bar, as required by SCR 114(3). In 2014 Farrington was on administrative suspension in Nevada, due to failure to comply with mandatory continuing legal education requirements.

Farrington, who was suspended in Arizona at the time of the discipline (also for failure to complete

his CLE requirements), admitted that he failed to communicate with, or perform services for, three clients with bankruptcy cases, and also failed to respond to inquiries from the Arizona bar, in violation of Arizona Ethics Rules 1.3 (communication), 1.16 (terminating representation), 3.2 (expediting litigation), 8.1 (disciplinary matters) and 8.4 (misconduct). Aggravating factors cited by the disciplinary judge included a selfish motive, a pattern of misconduct, bad faith obstruction by failing to comply with a disciplinary agent, substantial experience of practice of law and multiple offenses.

The Arizona Ethics Rules Farrington violated are identical or substantially similar to Nevada Rules of Professional Conduct 1.3, 1.4, 1.16, 3.2, 8.1 and 8.4. The Nevada Supreme Court found that reciprocal discipline should be imposed. Farrington must sign a monitoring agreement with the Nevada bar in the event of his reinstatement.

**In Re: Rulon J. Huntsman
Bar No.: 968
Case Number: SG14-0809
January 12, 2016**

PUBLIC REPRIMAND:

“You represented Scott Allan (Allan), in *Scott Karosa v. Alan Clark, Et al.*, Case No. 08-A-573634, a breach of contract matter, litigated in the Eighth Judicial District Court in Clark County, Nevada. Allan was also known as Scott Karosa.

On or about May 2, 2011, the court entered an order directing that \$2,000 in funds, previously posted by the defendants to secure their appearance at a debtor’s exam, be turned over to you as partial satisfaction of judgments obtained on behalf of Allan against the defendants.

After receiving the check from the court, you failed to deposit it into your trust account as required by Rule of Professional Conduct (RPC) 1.15 (Safekeeping Property). In a response to the state bar, you acknowledged that you deposited the check into your general

account instead, and then ‘got busy and completely forgot about it.’ Accordingly, the funds were not promptly disbursed to the client. In a June 2014 letter to you, Allan demanded payment of the \$2,000 he never received. A copy of Allan’s letter was provided to the state bar, and the instant disciplinary file was opened. You subsequently provided a copy of a cashier’s check for \$2,000 that had been sent to Allan. You also explained that you had experienced ‘a turnover of employees who failed to support [your] office with accountability of files.’ Allan did confirm that he had received the funds.

In light of the foregoing, you violated RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.5 (fees), RPC 1.15 (safekeeping property), RPC 5.3 (responsibilities regarding nonlawyer assistants) and RPC 8.4(d) (misconduct), and are hereby publicly reprimanded.”

**David Spurlock
Bar No.: 2565
Case Number: SG14-0092
Filed: May 28, 2015**

PUBLIC REPRIMAND

“From 2010 through January 2014, you represented the Teamsters Local 14. On July 24, 2013, your license to practice law was administratively suspended for failure to pay bar dues and because you failed to file certain administrative paperwork. You were aware of this suspension; nonetheless, you continued to represent the union. According to union officials, you continued to draw weekly payments for this work in spite of your suspension. During this time period, the union believed it had retained a licensed attorney, and you made no attempt to inform it that your license was suspended. While it is your contention that none of the work you performed was necessarily work that had to be done by an attorney, it is undeniable that the union believed it had retained a licensed attorney to represent it,

and that you never took steps to correct this mistaken impression. That the retainer agreement you were operating under called for legal representation is also undeniable. In fact, the retainer agreement between you and the union specifically elaborated on the scope of your representation, and called for:

Review of Collective Bargaining Agreements between Client and certain companies located in the State of Nevada; Negotiation of Collective Bargaining Agreements on behalf of Clients and companies located in the State of Nevada; Representation of Client and its respective members with certain arbitrations which now are pending or may be pending in the future; Legal representation at hearings, disputes or conferences; and Legal analysis of specific issues or items as it may relate to client’s members or pending disputes between Client’s members and their Employers.

The date of this fee agreement, which supplanted a prior agreement, was August 15, 2013, some three weeks after your suspension.

Your conduct as stipulated herein violates RPC 1.5 (fees); RPC 1.16 (declining or terminating representation); and RPC 5.5 (unauthorized practice of law). Based upon the foregoing you are hereby publicly reprimanded.”

**In Re: Mark Coburn
Bar No.: 8032
Case Numbers: SG 14-1499
and SG 14-1551
Filed: October 1, 2015**

LETTER OF REPRIMAND

“On February 10, 2015, a formal hearing panel of the Southern Nevada Disciplinary Board convened to consider two grievances. After considering all of the evidence, the

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bar counsel report

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panel concluded that you violated the Rules of Professional Conduct and should be issued the following Letter of Reprimand.

On October 23, 2014, US Bank notified the state bar that your client trust account was overdrawn by \$63.82, because two checks totaling \$95 were presented on October 16, 2014. On November 21, 2014, the state bar was again notified by US Bank that your client trust account had become overdrawn by \$323.82 when six checks totaling \$350 were presented on November 7, 2014.

You acknowledged that the violation occurred because funds were erroneously deposited into the business account instead of the client trust fund account. However, after the first incident you failed to change your practices in order to prevent the subsequent overdraft of your trust account. Instead, your practices again resulted in a failure to properly account for trust funds, in violation of RPC 1.15 (safekeeping property).

Accordingly, you are hereby reprimanded for this violation. We trust that this reprimand will serve as a reminder to you of your ethical obligations, and that no such problems will arise in the future.”

ETHICS HOTLINE FOR ATTORNEYS

Call now:
1-800-254-2797



Attorneys with questions about ethics and the Rules of Professional Conduct may reach out to the Office of Bar Counsel for informal guidance during any business day.

Each day, a State Bar of Nevada attorney is assigned to take calls from lawyers with questions about the legal profession in our state.

TIPS FROM THE OFFICE OF BAR COUNSEL

Issue:

A client has been agitating for some time for me to provide funds from a trust set up after the client's personal injury case was settled. One of the medical bills they accrued is currently in dispute, but the client will not take "no" for an answer.

Answer:

Rule 1.15 directly addresses this issue. If two parties are in dispute over funds, the attorney must keep the funds sequestered until the dispute is resolved. The remaining funds can be distributed, provided they are not in dispute. While in the past, an attorney would sometimes unilaterally decide how to distribute the funds, this has never actually been permitted. If a client has disappeared, you are required to make every effort to find that client. Case law and RPC 1.15 require an attorney to interplead funds with a court if a dispute arises that cannot be resolved.

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